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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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10 UNITED STATES OF AMERICA)
11 Plaintiff,) 2:14-cr-0357-AGP-GWF
12 vs) Motion for Additional Time to Present
13 BRIAN WRIGHT,) United States' Case in Chief.
14 Defendant.

16 The United States, by and through the undersigned, respectfully requests that the Court
17 grant the United States an extra half-day (approximately 3 or 4 hours) to present its case-in-chief.

Points and Authorities

19 On April 25, 2016, the Court expressed its extreme displeasure at the United States'
20 failure to file its witness list and exhibit list in a timely manner. As a sanction, the Court imposed
21 a one day limit for the United States to present its case-in-chief; the Court made itself
22 abundantly clear that the United States would need to pare its witness and exhibit lists as a result.

23 The United States took the Court's comments to heart and did as directed, paring the
24 witness list from 30 witnesses to 12, *see* Doc. No. 279 (Second Amended Witness List), and

1 dramatically scaling back its exhibit list. *See* Doc. No. 280. The United States also moved to
2 voluntarily dismiss Count 5 of the Indictment, alleging Felon in Possession of a Firearm. The
3 United States continues to regret its actions in not filing its witness list and exhibit list sooner,
4 accepts all responsibility for its failure to do so, and promises the Court that this will not occur
5 again.

6 In moving to dismiss Count 5 of the Indictment, and substantially reducing the number of
7 witnesses and exhibits, the United States believes it can present a truncated case in chief in one
8 day, in compliance with the Court's Order. Several factors may impact this, however. First, the
9 Court has directed the parties to give opening statements the same day the United States presents
10 its case in chief. Second, the Court inevitably will provide instructions or otherwise admonish
11 the jury when it enters the courtroom on Friday morning. Together, these will likely take
12 approximately one hour. Third, the defendant can dictate the amount of time spent on the United
13 States case-in-chief by engaging in lengthy cross-examinations, a greater likelihood with a *pro se*
14 defendant.¹ Finally, the United States will seek to admit evidence relating to text messages
15 between defendants Wright and Perreira, which will require several witnesses for an adequate
16 evidentiary foundation, understanding that Court has not definitively ruled on the admissibility
17 of this evidence.

18 If the Court is unwilling to summarily grant this request, the United States respectfully
19 requests that it withhold ruling on this motion until Friday afternoon. If the Court determines
20 that the United States demonstrates good faith and presents its case diligently and efficiently, but
21 cannot complete its case in chief by the close of business on Friday for reasons out of its control,
22 it will consider allowing the United States extra time.

23

24¹ While the United States does not ascribe any ill intention to the defendant at this juncture, he plainly has an
incentive to elongate cross-examination in an effort to "run out the clock."

Conclusion

For all of the foregoing reasons, the United States respectfully requests that the Court grant it an extra half-day (no more than three or four hours) to present its case in chief.

DANIEL G. BOGDEN
United States Attorney

/S/

CRANE M. POMERANTZ
Assistant United States Attorney

Dated: April 27, 2016

1 **Certificate of Service**

2 The undersigned certifies that he has served this motion on all parties of record via
3 the CM/ECF system, by electronically filing this document on April 27, 2016.

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5 /s/
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7 CRANE M. POMERANTZ
8 Assistant United States Attorney
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